Cr Misc 30870-M of 2007

Mr Sanjiv Gupta, Advocate.
Mr Vikas Chaudhary, AAG Haryana.
Mr Satbir Gill, Advocate for the complainant.

Heard counsel for the parties.

The petitioner seeks pre-arrest bail pending investigation for the offence under Section 468 IPC. The allegations against the petitioner are that he submitted a wrong affidavit dated 7.7.2000 to the Deputy Commissioner for getting his Arms License renewed. It was stated that the Arms License issued to the petitioner was never cancelled although as per record, the said License was cancelled on 21.4.1999. Appeal against this cancellation was dismissed on 19.4.2000. Thereafter, the petitioner filed CWP 12251 of 2000 in this Court assailing the orders canceling his Arms License. The said writ petition has been admitted on 23.5.2001. However, there is no stay against the orders of cancellation.

The allegations against the petitioner are based on documentary evidence. On the last date of hearing, learned counsel for the State had submitted that the specimen signatures of the petitioner were required for the purpose of verifying his signatures on the affidavit dated 7.7.2000. The petitioner has given his specimen signatures. In terms of the report of the FSL dated 27.9.2007, the signatures of the petitioner tallied with the signatures on the affidavit dated 7.7.2000. The petitioner has also joined the investigation.

Learned counsel for the State, on instructions from ASI Bhanwar Singh, of PS Ellenabad, has submitted that the custody of the petitioner is not required for the purposes of investigation.

In the circumstances, this petition is allowed and it is directed that the interim bail granted to the petitioner on 15.5.2007 shall continue till the filing of the challan, by which time the petitioner may seek regular bail.

12.10.2007. (S.S.SARON)
ASR JUDGE